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EXAMINER	
CHIN, BRAD Y	
ART UNIT	**PAPER NUMBER**
1744	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/044,842	RAAD ET AL.	
	Examiner	Art Unit	
	Brad Y. Chin	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-79* is/are pending in the application.

4a) Of the above claim(s) *51-68,78 and 79* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50 and 69-77* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/3/02, 10/15/02,*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 73 is objected to because of the following informalities: Applicant should amend the claim language to state, "a wheel chair, gauze, and cotton." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 12-20 and 35 contain the trademark/trade names for FD&C dyes, gendine, genlenol, genlosan, and genfoctol. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe the antiseptic compound and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-5, 12, 14, 21-23, 32, 34, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Narang et. al. [U.S. Patent Publication No. 2004/0137067].

A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex Parte Masham*, 2 USPQ2d 1647.

Regarding claim 1, Narang et. al. teach an antiseptic composition comprising a basic reagent (chlorhexidine; See p. 6, [0062]) and a dye (gentian violet or crystal violet; See p. 5, [0052 and 0054]).

Regarding claim 2, Narang et. al. teach the antiseptic compound, wherein the basic reagent and the dye are bound (chlorhexidine and gentian violet, organic compounds, form a chemical bond, or covalent bond, by sharing a pair of electrons).

Regarding claim 4, Narang et. al. teach the antiseptic compound, wherein the basic reagent and the dye are linked by covalent bonding (chlorhexidine and gentian violet, organic compounds, form a chemical bond, or covalent bond, by sharing a pair of electrons).

Regarding claim 5, Narang et. al. teach the antiseptic composition, wherein the dye is a triarylmethane dye (gentian violet or crystal violet; See p. 5, [0052 and 0054]).

Regarding claim 12, Narang et. al. teach the antiseptic composition, wherein the dye is gentian violet or crystal violet (gentian violet or crystal violet; See p. 5, [0052 and 0054]).

Regarding claim 14, Narang et. al. teach the antiseptic composition, wherein the triarylmethane dye is gentian violet (gentian violet or crystal violet; See p. 5, [0052 and 0054]).

Regarding claims 21 and 22, Narang et. al. teach the antiseptic composition, wherein the basic reagent is a guanidium compound (chlorhexidine; See p. 6, [0062]).

Regarding claim 23, Narang et. al. teach the antiseptic composition, wherein the guanidium compound is chlorhexidine (chlorhexidine; See p. 6, [0062]).

Regarding claim 32, Narang et. al. teach the antiseptic compound comprising a basic reagent bound to a dye (chlorhexidine and gentian violet, organic compounds, form a chemical bond, or covalent bond, by sharing a pair of electrons).

Regarding claim 34, Narang et. al. teach the antiseptic compound, wherein the basic reagent and the dye are linked by covalent bonding (chlorhexidine and gentian violet, organic compounds, form a chemical bond, or covalent bond, by sharing a pair of electrons).

Regarding claim 36, Narang et. al. teach the antiseptic compound, further defined by its ability to impregnate and/or coat a surface (See p. 3, [0038] – the initiator and the other materials are incorporated into the applicator tip during the manufacturing process of the structural material of the applicator tip. The initiator and the other materials are mixed or otherwise dispersed with the precursor reactants to make the applicator tip, i.e. they are part of a chemical mixture that is used to form the tip, such as by reaction, forming, molding or the like).

Regarding claim 37, Narang et. al. teach the antiseptic compound, wherein the surface is composed of a polymer (See p. 3, [0039] – the applicator tip, e.g. the surface, is formed of a foam material, such as a polyurethane foam).

Regarding claim 38, Narang et. al. teach the antiseptic compound, wherein the polymer is polyurethane (See p. 3, [0039] – the applicator tip, e.g. the surface, is formed of a foam material, such as a polyurethane foam).

4. Claims 1-2, 4-5, 12, 14, 21-24, 28-32, 36, 41-43, and 69-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Houze et. al. [U.S. Patent Publication No. 2004/0018241].

A recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex Parte Masham*, 2 USPQ2d 1647.

Regarding claim 1, Houze et. al. teach an antiseptic composition comprising a basic reagent (guanidines, such as alexidine and chlorohexidine; See p. 13, [0250]) and a dye (gentian violet; See p. 6, [0101]).

Regarding claim 2, Houze et. al. teach the antiseptic compound, wherein the basic reagent and the dye are bound (chlorhexidine and gentian violet, organic compounds, form a chemical bond, or covalent bond, by sharing a pair of electrons).

Regarding claim 4, Houze et. al. teach the antiseptic compound, wherein the basic reagent and the dye are linked by covalent bonding (chlorhexidine and gentian violet, organic compounds, form a chemical bond, or covalent bond, by sharing a pair of electrons).

Regarding claim 5, Houze et. al. teach the antiseptic composition, wherein the dye is a triarylmethane dye (gentian violet; See p. 6, [0101]).

Regarding claim 12, Houze et. al. teach the antiseptic composition, wherein the dye is gentian violet (gentian violet; See p. 6, [0101]).

Regarding claim 14, Houze et. al. teach the antiseptic composition, wherein the triarylmethane dye is gentian violet (gentian violet; See p. 6, [0101]).

Regarding claims 21 and 22, Houze et. al. teach the antiseptic composition, wherein the basic reagent is a guanidium compound (guanidines, such as alexidine and chlorohexidine; See p. 13, [0250]) or a phenoxide antiseptic (See p. 8, [0135]).

Regarding claim 23, Houze et. al. teach the antiseptic composition, wherein the guanidium compound is chlorhexidine (guanidines, such as alexidine and chlorohexidine; See p. 13, [0250]).

Regarding claim 24, Houze et. al. teach the antiseptic composition, wherein the guanidium compound is alexidine (guanidines, such as alexidine and chlorohexidine; See p. 13, [0250]).

Regarding claim 28, Houze et. al. teach the antiseptic composition, wherein the basic reagent is a phenoxide antiseptic (See p. 8, [0135]).

Regarding claim 29, Houze et. al. teach the antiseptic composition, wherein the phenoxide antiseptic is clofoctol (See p. 8, [0135]).

Regarding claim 30, Houze et. al. teach the antiseptic composition, wherein the phenoxide antiseptic is chloroxylenol (See p. 13, [0254]).

Regarding claim 31, Houze et. al. teach the antiseptic composition, wherein the phenoxide antiseptic is triclosan (See p. 13, [0251]).

Regarding claim 32, Houze et. al. teach the antiseptic compound, wherein the basic reagent and the dye are bound (chlorhexidine and gentian violet, organic compounds, form a chemical bond, or covalent bond, by sharing a pair of electrons).

Regarding claim 36, Houze et. al. teach the antiseptic compound, further defined by its ability to impregnate and/or coat a surface (See p. 2, [0051] – contact an area of the skin or mucous membrane).

Regarding claim 41, Houze et. al. teach the antiseptic compound, wherein the surface is an organic surface (See p. 2, [0051] – contact an area of the skin or mucous membrane).

Regarding claim 42, Houze et. al. teach the antiseptic compound, wherein the surface is skin (See p. 2, [0051] – contact an area of the skin or mucous membrane).

Regarding claim 43, Houze et. al. teach the antiseptic compound, wherein the surface is a mucosal surface (See p. 2, [0051] – contact an area of the skin or mucous membrane).

Regarding claim 69, Houze et. al. teach a method for disinfecting and/or sterilizing a surface comprising applying a composition comprising a basic reagent and a dye of claim 1 to the surface (See p. 2, [0041] – contacting an area of the skin or mucous membrane, preferably the oral mucosa, with the bioadhesive composition to administer the one or more active agents).

Regarding claim 70, Houze et. al. teach the method, wherein the surface is an organic surface (See p. 2, [0041] – contacting an area of the skin or mucous membrane, preferably the oral mucosa, with the bioadhesive composition to administer the one or more active agents).

Regarding claim 71, Houze et. al. teach the method, wherein the organic surface is skin, a mucosal surface, or a wound surface (See p. 2, [0041] – contacting an area of the skin or mucous membrane, preferably the oral mucosa, with the bioadhesive composition to administer the one or more active agents).

5. Claims 1-3, 6, 9-10, 12, and 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenberg [U.S. Patent No. 6,465,521].

Regarding claim 1, Rosenberg teaches an antiseptic composition comprising a basic reagent (chlorhexidine; See co. 1, line 48) and a dye (See col. 1, lines 38-44).

Regarding claim 2, Rosenberg teaches the antiseptic composition, wherein the basic reagent and the dye are bonded (See col. 1, lines 62-65 – the amphipatic cationic moiety, chlorhexidine, is linked to the dye by ionic bonding).

Regarding claim 3, Rosenberg teaches the antiseptic composition, wherein the basic reagent and the dye are linked by ionic bonding (See col. 1, lines 62-65 – the amphipatic cationic moiety, chlorhexidine, is linked to the dye by ionic bonding).

Regarding claim 6, Rosenberg teaches the antiseptic composition, wherein the dye is a monoazo dye (monoazo color; See col. 1, lines 38-44).

Regarding claim 9, Rosenberg teaches the antiseptic composition, wherein the dye is a xanthene dye (xanthene color; See col. 1, lines 38-44).

Regarding claim 10, Rosenberg teaches the antiseptic composition, wherein the dye is a anthraquinone dye (anthraquinone color; See col. 1, lines 38-44).

Regarding claim 12, Rosenberg teaches the antiseptic composition, wherein the dye is a D&C dye (D&C Yellow No. 7, D&C Yellow No. 10, etc.; See col. 1, lines 38-44).

Regarding claim 32, Rosenberg teaches the antiseptic composition, wherein the basic reagent and the dye are bonded (See col. 1, lines 62-65 – the amphipatic cationic moiety, chlorhexidine, is linked to the dye by ionic bonding).

Regarding claim 33, Rosenberg et. al. teach the antiseptic compound, wherein the basic reagent and the dye are linked by ionic bonding (See col. 1, lines 62-65 – the amphipatic cationic moiety, chlorhexidine, is linked to the dye by ionic bonding).

6. Claims 1, 8, 12-13, and 74 are rejected under 35 U.S.C. 102(e) as being anticipated by Harper et. al. [U.S. Patent Publication No. 2005/0049306].

Regarding claim 1, Harper et. al. teach an antiseptic composition comprising a basic reagent (chlorhexidine; See p. 2, [0011]) and a dye (indigoid dye; See p. 11, [0148]).

Regarding claim 8, Harper et. al. teach the antiseptic composition, wherein the dye is an indigoid dye (indigoid dye; See p. 11, [0148]).

Regarding claim 12, Harper et. al. teach the antiseptic composition, wherein the dye is an FD&C dye (FD&C Blue No. 1; See p. 11, [0148]).

Regarding claim 13, Harper et. al. teach the antiseptic composition, wherein the FD&C dye is Blue No. 1 (FD&C Blue No. 1; See p. 11, [0148]).

Regarding claim 74, Harper et. al. teach a method for disinfecting and/or sterilizing a fluid comprising adding a composition comprising a basic reagent and a dye of claim 1 into the fluid (See p. 3, [0033]).

7. Claims 1, 21-22, and 26-27 are rejected under 35 U.S.C. 102(a) or (e) as being anticipated by Parikh et. al. [U.S. Patent No. 6,123,926].

Regarding claim 1, Parikh et. al. teach an antiseptic composition comprising a basic reagent (octenidine; See col. 5, line 18-19) and a dye (coloring agents; See col. 5, lines 47-62).

Regarding claims 21-22, Parikh et. al. teach the antiseptic composition, wherein the basic reagent is a guanidium compound (octenidine; See col. 5, line 18-19).

Regarding claims 26-27, Parikh et. al. teach the antiseptic composition, wherein the basic reagent is a bipyridine and the bipyridine is octenidine (octenidine; See col. 5, line 18-19).

8. Claims 1, 21-22, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhuang et. al. [U.S. Patent Publication No. 2004/0132699].

Regarding claim 1, Zhuang et. al. teach an antiseptic composition comprising a basic reagent (hexamidine; See p. 13, [0164]) and a dye (quinoline; See p. 13, [0168]).

Regarding claims 21-22, Zhuang et. al. teach the antiseptic composition, wherein the basic reagent is a guanidium compound (hexamidine; See p. 13, [0164]).

Regarding claims 25, Zhuang et. al. teach the antiseptic composition, wherein the basic reagent is a bipyridine and the bipyridine is octenidine (hexamidine; See p. 13, [0164]).

9. Claims 1, 74, and 75 are rejected under 35 U.S.C. 102(b) as being anticipated by Broll et. al. [U.S. Patent No. 2,449,274].

Regarding claim 1, Broll et. al. teach a composition comprising a basic reagent (and a dye (See col. 1, lines 4-8 – to test bacteriodical strength of various solutions and compositions by withdrawing a sample, adding certain dyes and reagents).

Regarding claim 74, Broll et. al. teach the method for disinfecting and/or sterilizing (See col. 1, lines 18-36) a fluid comprising adding a composition comprising a basic reagent and a dye (See col. 1, lines 4-8 – to test bacteriodical strength of various solutions and compositions by withdrawing a sample, adding certain dyes and reagents) into the fluid (See col. 3, lines 70-74).

Regarding claim 75, Broll et. al. teach the method, wherein the fluid is water (See col. 3, lines 70-74 – water in swimming pools, foot baths, etc.).

10. Claims 1, 74, 76, and 77 are rejected under 35 U.S.C. 102(e) as being anticipated by Greenberg et. al. [U.S. Patent Publication No. 2004/0165956].

Regarding claim 1, Greenberg et. al. teach a composition comprising a basic reagent (hydrogen peroxide) and a dye (methylene blue dye).

Regarding claim 74, Greenberg et. al. teach the method for disinfecting and/or sterilizing (See p. 2, [0019] – removing contaminants from water/petroleum in petroleum storage tanks spills or from intentional or accidental discharge of liquid hydrocarbons or compositions containing the same) a fluid comprising adding a composition comprising a basic reagent (hydrogen peroxide) and a dye (methylene blue dye) into the fluid.

Regarding claim 76, Greenberg et. al. teach the method, wherein the fluid is a metal working fluid (See p. 2, [0019] – lubricants).

Regarding claim 77, Greenberg et. al. teach the method, wherein the fluid is petroleum (See p. 2, [0019]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 6, 7, 9, 11, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et. al., as applied to claim 1 above, and further in view of the non-patent literature, Kirk-Othmer Encyclopedia of Chemical Technology, 3rd Ed., vol. 5, pp. 857-884.

Harper et. al. teach the antiseptic compound as described above in paragraph 6. Harper et. al. fail to teach that the dye is (1) a monoazo dye or FD&C Yellow No. 5 or 6, (2) a diazo dye or D&C Red No. 17, (3) a xanthene dye or FD&C Red No. 3, (4) a quinoline dye, (5) indigoid dye, FD&C Blue No. 2, and/or (6) the anthraquinone dye, D&C Green No. 6. The non-patent literature, Kirk-Othmer Encyclopedia of Chemical Technology provides a list of all FD&C and D&C colorants and their corresponding chemical structures. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the FD&C colors – a monoazo dye or FD&C Yellow No. 5 or 6, a diazo dye or D&C Red No. 17, a xanthene dye or FD&C Red No. 3, a quinoline dye, indigoid dye, FD&C Blue No. 2, and/or the anthraquinone dye, D&C Green No. 6 – into Harper et. al. because such FD&C and D&C dyes in effective amounts serve as coloring agents to produce the antimicrobial composition of the desired color, as desired in Harper et. al.

12. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narang et. al., as applied to claim 36 above, and further in view of Edge [U.S. Patent No. 6,284,245].

Narang et. al. teach the antiseptic composition as described above in paragraph 3, but fail to teach that the surface is composed of silicone. Edge teaches a silicone catheter (See col. 20, line 54), which has a surface composed of silicone. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the antiseptic composition of Narang et. al. to the silicone catheter, as taught by Edge, because the antiseptic composition of Narang et. al. allows for the coating of the silicone catheter with a protective antiseptic layer for

disinfecting and cleaning such medical device and protecting users from bacterial contamination.

13. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narang et. al., as applied to claim 36 above, and further in view of Harper et. al.

Narang et. al. teach the antiseptic composition as described above in paragraph 3, but fail to teach that the surface is a silk suture. Harper et. al. teach that anti-microbial compositions can be included in products which are developed for the treatment of microorganism-instigated conditions, such as impregnated materials, e.g. wound dressings, sutures, and dental floss). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the antiseptic composition of Narang et. al. to the inorganic surfaces, as taught by Beerse et. al., because the antiseptic composition of Narang et. al. allows for the coating of the silk suture with a protective antiseptic layer for disinfecting and cleaning the suture for protecting users from further spread of bacteria.

14. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Houze et. al.

Houze et. al. teach the antiseptic composition as described above in paragraph 4, but fail to teach the impregnated and/or coated surface is a wound. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the antiseptic compound of Houze et. al. to a wound because the admixture of Houze et. al. possesses the ability to adapt for adhering to dermal or mucosal tissue (See p. 3, [0053]), where the antiseptic compound could be used to treat a wound on such an area.

15. Claims 45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narang et. al.

Regarding claim 45, Narang et. al. teach the antiseptic compound as described above in paragraph 3, but fail to teach that the coated surface is an inorganic surface. Narang et. al. teach that the applicator tip is formed of foam material, such as a polyurethane foam (See p. 3, [0039]). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the coated surface was an inorganic surface because the coated surface could have been a needle syringe.

Regarding claim 49, Narang et. al. teach the antiseptic compound, wherein the coated surface is a the surface of a hospital equipment (See p. 3, [0038] – applicator tip is a piece of equipment used in a hospital).

16. Claims 46-48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narang et. al., as applied to claim 45 above, and further in view of Beerse et. al. [U.S. Patent No. 6,294,186].

Regarding claims 46-48, and 50, Narang et. al. teach the antiseptic composition as described above in paragraph 3, but fail to teach the surface is an inorganic surface such as a floor, a table-top, a counter-top, or a surface of a wheelchair. Beerse et. al. teach that antiseptic or antimicrobial compositions are highly efficacious for sterilization of hard surfaces, i.e. inorganic surfaces, such as floors, countertops, medical devices, wipes, gloves, etc. (See col. 3, line 65 to col. 4, line 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the antiseptic composition of Narang et. al. to the inorganic surfaces, as taught by Beerse et. al., because the antiseptic composition of Narang et. al. allows

for the coating of the inorganic surfaces with a protective antiseptic layer for disinfecting and cleaning such surfaces and protecting users from bacterial contamination.

17. Claims 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houze et. al., as applied to claim 69 above, and further in view of Beerse et. al.

Houze et. al. teach the antiseptic composition as described above in paragraph 4, but fail to teach that the surface is an inorganic surface selected from the group comprising a floor, a table-top, a counter-top, hospital equipment, a wheel chair, gauze, and cotton. Beerse et. al. teach that antiseptic or antimicrobial compositions are highly efficacious for sterilization of hard surfaces, i.e. inorganic surfaces, such as floors, countertops, medical devices, wipes, gloves, etc. (See col. 3, line 65 to col. 4, line 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the antiseptic composition of Houze et. al. to the inorganic surfaces, as taught by Beerse et. al., because the antiseptic composition of Houze et. al. allows for the coating of the inorganic surfaces with a protective antiseptic layer for disinfecting and cleaning such surfaces and protecting users from transmitting bacteria from surface to surface.

Comments

Regarding claim 20, the Examiner was unable to locate any reference to FD&C Yellow No. 1. The non-patent literature, Kirk-Othmer Encyclopedia of Chemical Technology, which provides a list of all FD&C and D&C colorants and their corresponding chemical structures, fails to identify such a dye. It is believed that FD&C Yellow No. 1 is non-existent. Examiner requests Applicant to provide proof of the existence of dye, FD&C Yellow No. 1.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad Y. Chin whose telephone number is 571-272-2071. The examiner can normally be reached on Monday – Friday, 8:00 A.M. – 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sun (John) Kim, can be reached at 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

byc
May 13, 2005

JOHN KIM
SUPERVISORY PATENT EXAMINER